

United States Patent and Trademark Office

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/888,668	06/25/2001	Meng Yao	A1265-US-NP	8867
37211 7 BASCH & NICI	7590 01/08/2007 KERSON LLP		EXAMINER	
1777 PENFIELD ROAD PENFIELD, NY 14526			HUNTSINGER, PETER K	
			ART UNIT	PAPER NUMBER
			2625	
			MAIL DATE	DELIVERY MODE
		•	01/08/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action the Filing of an Appeal Brief

Application No.	Applicant(s)		
09/888,668	YAO, MENG		
Examiner	Art Unit		
Peter K. Huntsinger	2625		

Before the riling of an Appeal Brief	Examiner	Art Unit					
	Peter K. Huntsinger	2625					
The MAILING DATE of this communication appe	ars on the cover sheet with the c	orrespondence add	ress				
THE REPLY FILED 12 December 2006 FAILS TO PLACE THIS	S APPLICATION IN CONDITION F	OR ALLOWANCE.					
1. The reply was filed after a final rejection, but prior to or on this application, applicant must timely file one of the follow places the application in condition for allowance; (2) a No a Request for Continued Examination (RCE) in compliance time periods:	wing replies: (1) an amendment, aff tice of Appeal (with appeal fee) in o ce with 37 CFR 1.114. The reply mu	idavit, or other evider compliance with 37 C	nce, which FR 41.31; or (3)				
	a) The period for reply expires 3 months from the mailing date of the final rejection.						
b) The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.							
TWO MONTHS OF THE FINAL REJECTION. See MPEP 7	Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).						
Extensions of time may be obtained under 37 CFR 1.136(a). The date have been filed is the date for purposes of determining the period of ex under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the set forth in (b) above, if checked. Any reply received by the Office later may reduce any earned patent term adjustment. See 37 CFR 1.704(b) NOTICE OF APPEAL	tension and the corresponding amount shortened statutory period for reply orig r than three months after the mailing da	of the fee. The appropri inally set in the final Offi	iate extension fee ce action; or (2) as				
2. The Notice of Appeal was filed on A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).							
AMENDMENTS	*						
 The proposed amendment(s) filed after a final rejection, They raise new issues that would require further co 			ecause				
(b) They raise the issue of new matter (see NOTE belo		, ,					
(c) They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or							
(d) They present additional claims without canceling a		ected claims.					
NOTE: (See 37 CFR 1.116 and 41.33(a)).			(570) 004)				
4. The amendments are not in compliance with 37 CFR 1.1		mpliant Amendment	(PTOL-324).				
5. Applicant's reply has overcome the following rejection(s)		Almanda Allanda manamalana					
 Newly proposed or amended claim(s) would be all non-allowable claim(s). 	llowable if submitted in a separate,	timely filed amendme	int canceling the				
7. For purposes of appeal, the proposed amendment(s): a) how the new or amended claims would be rejected is pro The status of the claim(s) is (or will be) as follows: Claim(s) allowed: Claim(s) objected to: Claim(s) rejected: Claim(s) rejected:		ll be entered and an e	explanation of				
Claim(s) withdrawn from consideration:							
AFFIDAVIT OR OTHER EVIDENCE	A before an an Aber detect of Clines a At	-Ai£ Ailla					
 The affidavit or other evidence filed after a final action, be because applicant failed to provide a showing of good an was not earlier presented. See 37 CFR 1.116(e). 	d sufficient reasons why the affidat	vit or other evidence is	necessary and				
9. The affidavit or other evidence filed after the date of filing entered because the affidavit or other evidence failed to a showing a good and sufficient reasons why it is necessar	overcome <u>all</u> rejections under appe y and was not earlier presented. S	al and/or appellant fai ee 37 CFR 41.33(d)(ils to provide a 1).				
10. The affidavit or other evidence is entered. An explanation REQUEST FOR RECONSIDERATION/OTHER	on of the status of the claims after e	ntry is below or attacr	iea.				
The request for reconsideration has been considered by See Continuation Sheet.	ut does NOT place the application in	n condition for allowar	nce because:				
12. Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s).							
13. Other:	KAWelia	ms					
ALL DATES	Kimberly Willia Supervicory DT - TE	NS ON THE STATE OF					

Continuation of 11. does NOT place the application in condition for allowance because: Applicant argues on pages 10-14 of the response in essence that:

Stanich et al. teach the clustering criteria of Fig. E and not of Figs. B and C.

Stanich et al. do not disclose Figs. B and C, however the limitations argued are not encompassed by the claims. Stanich et al. disclose constructing a checkerboard screen (col. 6, lines 61-66). The pattern is considered a stochastic screen because the subsequent pixel placed is selected randomly (col. 6, lines 22-23).